

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 ROY T. MARSHALL,

12 Petitioner,

No. CIV S-00-0272 GEB JFM P

13 vs.

14 A.C. NEWLAND, Warden, et al.,

15 Respondents.

ORDER

16 \_\_\_\_\_/  
17 Petitioner, a state prisoner proceeding pro se, has  
18 filed this application for a writ of habeas corpus pursuant to 28  
19 U.S.C. § 2254. The matter was referred to a United States  
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local  
21 General Order No. 262.

22 On April 13, 2005, the magistrate judge filed findings  
23 and recommendations herein which were served on all parties and  
24 which contained notice to all parties that any objections to the  
25 findings and recommendations were to be filed within twenty days.  
26

1 Petitioner has filed objections to the findings and  
2 recommendations.

3 In accordance with the provisions of 28 U.S.C.  
4 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a  
5 de novo review of this case. Having carefully reviewed the  
6 entire file, the court finds the findings and recommendations to  
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The findings and recommendations filed April 13,  
10 2005, are adopted in full; and

11 2. Petitioner's January 10, 2005 motion for  
12 reconsideration is construed as a motion for relief from judgment  
13 pursuant to Fed. R. Civ. P. 60(b) and, so construed, is denied.

14 Dated: June 9, 2005

15  
16 /s/ Garland E. Burrell, Jr.  
17 GARLAND E. BURRELL, JR.  
18 United States District Judge  
19  
20  
21  
22  
23  
24  
25  
26